

LOUIS RIGBY  
Mayor  
JOHN ZEMANEK  
Councilmember at Large A  
STEVE GILLET  
Councilmember at Large B  
DANNY EARP  
Councilmember District 1



CHUCK ENGELKEN  
Councilmember District 2  
BILL BENTLEY  
Councilmember District 3  
KRISTIN MARTIN  
Councilmember District 4  
JAY MARTIN  
Councilmember District 5  
NANCY OJEDA  
Mayor Pro-Tem  
Councilmember District 6

## **CITY COUNCIL MEETING SPECIAL AGENDA**

Notice is hereby given of a Special Meeting of the La Porte City Council to be held May 10, 2019, beginning at 9:00 am, in the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

**1. CALL TO ORDER**

**2. ELECTION MATTERS**

- (a) Presentation, discussion, and possible action to adopt Ordinance 2019-3738 to canvass the returns of the general election held on May 4, 2019, for the purpose of electing a Councilperson-At-Large-Position A and a Councilperson-District 4. [Lee Woodward, City Secretary]

**3. STATUTORY AGENDA** The purpose of this meeting is to discuss and formulate City Council and staff plans, operations, policies, and/or future projects, including the following:

- (a) Presentation, discussion, and possible action to adopt Ordinance 2019-3739 suspending new retail electric rates proposed by CenterPoint Energy Houston Electric, LLC for customers within the City of La Porte. [Corby Alexander, City Manager]

**4. COUNCIL COMMENTS** - *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

**5. ADJOURNMENT**

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the May 10, 2019, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.LaPorteTX.gov](http://www.LaPorteTX.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF  
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TIME OF  
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TAKEN  
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Lee Woodward, City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>5/10/19</u>		
Requested By: <u>Lee Woodward, City Secretary</u>		
Department: <u>City Secretary</u>		
<input type="radio"/> Report	<input type="radio"/> Resolution	<input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Election result tabulations  
Ord. 2019-3743 to canvass

### SUMMARY & RECOMMENDATION

The May 4, 2019, general election results are unofficial until canvassed by the City Council in accordance with the Texas Election Code Chapter 67. Below is the tabulation as called for in EC 67.004:

EARLY VOTING RESULTS								
Candidate & Position	City Council District						Totals	
	1	2	3	4	5	6		
At-Large-A								
Zemanek	54	21	34	87	87	49	332	
Lunsford	36	20	33	91	103	77	360	
Totals	90	41	67	178	190	126	692	
District 4								
Garza				121			121	
Clarke				58			58	
Totals				179			179	
District 5								
Martin					160			160
Rosa					24			24
Totals					184			184

<b><u>EARLY VOTING TOTALS</u></b>	<b><u>ELECTION DAY RESULTS</u></b>
	City Council District
	Totals

<b>Candidate &amp; Position</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	
<b>At-Large-A</b>								
Zemanek	332	24	9	24	35	46	36	506
Lunsford	360	15	4	17	55	67	30	548
<b>Totals</b>	692	39	13	41	90	113	66	1054
<b>District 4</b>								
Garza	121				72			193
Clarke	58				20			78
<b>Totals</b>	179				92			271
<b>District 5</b>								
Martin	160					103		263
Rosa	24					11		35
<b>Totals</b>	184					114		298

### **Voters Voted**

<b>District</b>	<b>Registered Voters</b>	<b>Ballots cast</b> (Check-ins may be higher than ballots cast due to undervoting)	<b>Percentage</b>
<b>1</b>	3644	130	3.57
<b>2</b>	2832	54	1.91
<b>3</b>	3273	109	3.33
<b>4</b>	3170	280	8.83
<b>5</b>	3625	308	8.50
<b>6</b>	3636	193	5.31
<b>Total</b>	20180	1074	5.32

Following a successful canvass, the Mayor will present the winning candidates with their certificates of election (to be delivered “promptly”, per EC 67.016(e)). Section 2.06 of the City Charter of the City of La Porte provides that “the newly elected members shall qualify and assume the duties of office” “on the first Monday next following the canvassing of an election, or as soon thereafter as practicable”, expected at the May 13 meeting.

An election contest for a recount in the Councilperson-District 5 race was filed on Monday, May 6, 2019, and withdrawn on Wednesday, May 8, 2019, in accordance with the Texas Election Code. The Councilperson-District 5 race will be canvassed Monday and Councilmember Martin will take his oath of office at the June 10 meeting.

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### **ACTION REQUIRED BY COUNCIL**

**Move to adopt Ordinance 2019-3738, canvassing the returns of the general election held on May 4, 2019, for the purpose of electing a Councilperson-At-Large-Position A and a Councilperson-District 4.**

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Approved for the City Council meeting agenda

\_\_\_\_\_  
**Corby D. Alexander, City Manager**

\_\_\_\_\_  
**Date**

## **ORDINANCE 2019-3738**

**AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF LA PORTE ON THE 4<sup>TH</sup> DAY OF MAY, 2019, FOR THE PURPOSE OF ELECTING A COUNCILPERSON-AT-LARGE-POSITION A, A COUNCILPERSON-DISTRICT 4, AND A COUNCILPERSON DISTRICT 5; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** pursuant to Section 2.04(e) of the Charter of the City of La Porte, the City Council, at a special meeting held on the 10<sup>th</sup> day of May 2019, proceeded to canvass the returns of the regular municipal election held in the City on the 4<sup>th</sup> day of May 2019, for the purpose of electing a Councilperson-At-Large-Position A, a Councilperson-District 4, and a Councilperson-District 5; and

**WHEREAS** the election was held under and pursuant to the provisions of Ordinance 2019-3733 calling the election; and

**WHEREAS** the election having been duly and regularly held as called in the ordinance and according to law, and the returns thereof having been made and the election judges having certified the results of the election, as hereinafter set out, and the City Council having duly and regularly canvassed the returns of the election and finding that the total votes cast at the election were as follows:

**COUNCILPERSON-AT-LARGE-POSITION A**

JOHN ZEMANEK	506
BRANDON LUNSFORD	548

**COUNCILPERSON-DISTRICT 4**

THOMAS GARZA	193
MARC CLARKE	78

**COUNCILPERSON-DISTRICT 5**

JAY MARTIN	263
CHUCK ROSA	35

**WHEREAS** the City Council of the City of La Porte finds that the election returns set out above to be accurate and correct.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:**

**SECTION 1:** Brandon Lunsford received a majority of the votes cast at the election for the office of Councilperson-At-Large-Position A, and, accordingly, Brandon Lunsford is declared elected to the office of Councilperson-At-Large-Position A, subject to the taking of his oath and filing bond as provided by the laws of the State of Texas.

**SECTION 2:** Thomas Garza received a majority of the votes cast at the election for the office of Councilperson-District 4, and, accordingly, Thomas Garza is declared elected to the office of Councilperson- District 4, subject to the taking of his oath and filing bond as provided by the laws of the State of Texas.

**SECTION 3:** An election contest for a recount in the Councilperson-District 5 race was filed on Monday, May 6, 2019, and withdrawn on Wednesday, May 8, 2019, in accordance with the Texas Election Code. The Councilperson-District 5 race will be canvassed at the next City Council meeting.

**SECTION 4:** The City Council finds that the notice of the election was duly and properly given as required by law and as provided in the ordinance calling the election, and that the election was duly and regularly held, and the returns thereof duly and regularly made by the proper officials of the election, and in all things according to the law.

**SECTION 5:** Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

**SECTION 7:** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

**SECTION 8:** This ordinance shall be in effect immediately upon its passage and approval.

PASSED, APPROVED, AND ADOPTED this, the 10<sup>th</sup> day of May, 2019.

THE CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 10, 2019

Requested By: Corby Alexander, City Manager

Department: Administration - CMO

☐ Report ☐ Resolution ☒ Ordinance

**Exhibits:** Letter from Houston, Highlights Document,  
Analysis of Rates and Ordinance

### Appropriation

Source of Funds: \_\_\_\_\_

Account Number: \_\_\_\_\_

Amount Budgeted: \_\_\_\_\_

Amount Requested: \_\_\_\_\_

Budgeted Item: ☐ Yes ☐ No

## SUMMARY & RECOMMENDATION

On April 5, 2019 CenterPoint Energy Houston Electric, LLC ("CenterPoint") submitted a *Statement of Intent and Application for Authority to Change Rates* ("Application") within the City of La Porte requesting a rate increase, riders, and tariff changes. The Application was filed with each municipality exercising original jurisdiction over CenterPoint's electric rates. CenterPoint is requesting a \$193.4 million rate increase of which \$186.6 million will be collected from retail customers. In addition, CenterPoint is proposing through a separate Tax Cut and Jobs Act (TCJA) Rider, to return approximately \$97 million to customers over a three-year period. After the three-year period, the TCJA Rider expires.

The City of La Porte, as a local regulatory authority, exercises original jurisdiction over the rates, operations and services of CenterPoint for customers located within the City of La Porte under Section 33.001 of the Public Utility Regulatory Act ("PURA") in the Texas Utilities Code. The new rates would affect rates, operations or services for CenterPoint retail customers within the City.

PURA Sections 36.102 and 36.108 provide that the new rates take effect on the thirty-fifth (35<sup>th</sup>) day of filing. Additionally, PURA Section 36.108 provides that a local regulatory authority may suspend the operation of the Application for ninety (90) days beyond the date the new rates would otherwise be effective. PURA Section 36.109 provides that unless the local regulatory authority establishes interim rates, the rates in effect at the time the Application is filed remain in effect during the suspension period.

The City has been informed that the Houston Coalition of Cities consultant and outside counsel will review the Application, perform a coordinated analysis of the new rates, obtain additional information from CenterPoint, receive public comments, and prepare a rate ordinance recommendation to City Council. The expert utility rate consultant retained to review the Application on behalf of the Coalition have not had sufficient time to determine whether CenterPoint has justified its request for new rates. The Coalition's



consultant and outside counsel recommend that the City suspend CenterPoint's new rates for ninety (90) days beyond May 10, 2019, the date the new rates would otherwise be effective, to allow for coordinated rate analysis, consideration of the new rates, and public comment.

Attached is a letter from the City of Houston related to an invitation to join the Houston Coalition of Cities in the CenterPoint Energy Houston Electric Rate Case Proceeding. If the Council wishes for the City of La Porte to join the Houston Coalition of Cities staff can prepare a resolution to be approved at the next scheduled meeting on May 13<sup>th</sup>. There is no cost to the coalition member cities; Houston will bear the cost, and seek recovery as allowed.

The average residential customer using 1,000 kWh per month would experience an approximate 1.91% increase — \$2.50 per month for the first three years, assuming an existing retail rate of \$0.125 per kWh. Please note that the residential rate above is inclusive of the TCJA Rider. CenterPoint's summary did not show the rate after the TCJA Rider expires in three years.

As previously mentioned, CenterPoint has issued a notice of intent to change the electric rates; however, if the City Council takes no action the rates will go into effect unless the City Council chooses to approve the attached Ordinance suspending the rate increase for ninety (90) days.

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#### **ACTION REQUIRED BY COUNCIL**

Move to adopt Ordinance 2019-3738 suspending for ninety (90) days the new retail electric rates proposed by CenterPoint Energy Houston Electric, LLC for customers within the City of La Porte.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**



**CITY OF HOUSTON**  
Administration & Regulatory Affairs  
Department

**Sylvester Turner**  
Mayor

Tina Paez  
Director  
P.O. Box 1562  
Houston, Texas 77251-1562

T. 832.393.8531  
F. 832.393.8527  
[www.houstontx.gov/ara/](http://www.houstontx.gov/ara/)

April 16, 2019

To: Cities Located in CenterPoint Energy Houston Electric Service Territory

Re: Invitation to Join the Houston Coalition of Cities in the CenterPoint Energy Houston Electric Rate Case Proceeding

On April 5, 2019, CenterPoint Energy Houston Electric, LLC (CenterPoint) filed a Statement of Intent and Application for Authority to Change Rates (Application) within its service territory. The Application was filed with each municipality exercising original jurisdiction over CenterPoint's electric rates. Since the issues to be addressed in this rate filing will impact municipalities similarly, the City of Houston is inviting you to participate in the Houston Coalition of Cities, a Coalition representing municipalities' interests in the CenterPoint Electric Rate Case proceeding. No financial contributions by member cities will be required.

CenterPoint is requesting a \$193.4 million annual base rate increase of which \$186.6 million will be collected from retail customers, and \$6.8 million from wholesale transmission customers. CenterPoint, is also proposing, through a separate TCJA (Tax Cut and Jobs Act) Rider, to return approximately \$97 million to customers over a three-year period. The TCJA Rider addresses the excess deferred income taxes and reduces the Company's request by approximately \$32.4 million to \$154.2 million annually for a three-year period. After the three-year period, the TCJA Rider expires, and retail customers will pay the full \$186.6 million increase.

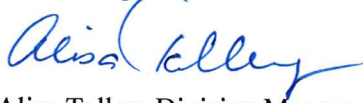
According to the Texas Utilities Code, CenterPoint's proposed rates will take effect 35 days after filing unless your city, as municipal regulator, adopts an ordinance suspending the proposed effective date. Therefore, if CenterPoint filed its Application April 5, 2019, the deadline for cities to take action is May 10, 2019. Cities are allowed to suspend the proposed effective date for 90 days — to August 8, 2019.

The City of Houston organized a team of experts to review the rate request and to assist in the preparation of a final recommendation. The City of Houston retained Adams and Reese, LLP to represent the collective interests of the coalition in this matter. The City also engaged the Norwood Consulting rate team.

A conference call is scheduled for Monday, April 22, 2019 at 11:00 AM (Call 1.866.574.2770, Conference Code: 5941750). During the call, we will provide an overview of the rate case with highlights of the major issues and to establish points of contact for further communication. Please confirm your participation in the Coalition by contacting Alisa Talley at 832.393.8531 or [Alisa.Talley@houstontx.gov](mailto:Alisa.Talley@houstontx.gov).

Attached is a draft resolution and ordinance for submission to your municipality's governing body. Action by your governing body is necessary for participation in the Coalition and intervention at the Public Utility Commission of Texas.

Kindest regards,

A handwritten signature in blue ink, appearing to read "Alisa Talley". The signature is fluid and cursive, with the first name "Alisa" and last name "Talley" clearly distinguishable.

Alisa Talley, Division Manager  
Administration & Regulatory Affairs Department  
City of Houston

Attachments

**CenterPoint Energy Houston Electric**  
**Rate Case Highlights**  
**Updated April 30, 2019**

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**CenterPoint's Request:**

- Approximate \$193.4 million increase:
  - \$186.6 million collected from retail customers
  - \$6.8 million from wholesale transmission customers.
- Refund \$97 million to customers through a TCJA Rider (Tax Cut and Jobs Act) over a three-year period
  - Reduces increase by approximately \$32.4 million to \$154.4 million annually
  - For the average residential customer using 1,000 kWh per month, this equates to an approximate 1.91% increase — \$2.50 per month for the first three years, assuming an existing retail rate of \$0.125 per kWh.
  - The TCJA Rider addresses the unprotected portion of the excess deferred income taxes (EDIT).
    - The TCJA reduced the federal corporate income tax rate from 35% to 21% effective January 1, 2018.
    - EDIT is that portion of the income taxes that the company already collected from the ratepayers, but no longer has to pay to the federal government as a result of the TCJA.
- Prudency determination on distribution capital investment made in the system since January 1, 2010.
  - Reconciliation of Distribution Cost Recovery Factor (DCRF) adjustments filed 2015 to 2018.
  - Allows CenterPoint to recover cost of new capital investment made since last rate case outside of a base rate case
  - Subject to final determination of reasonableness and prudency (capital expenditures) in this proceeding.
  - Since the last rate case, the company implemented 4 DCRF increases with a cumulative total of approximately \$63.6 million.
    - Because the DCRFs are cumulative, each DCRF is absorbed by the next one.
    - The DCRF goes away once base rates are approved.

**Next Steps:**

- Adopt an ordinance or resolution suspending CenterPoint's rates no later than May 10, 2019 (if CenterPoint filed its Application April 5, 2019). *Please notify CenterPoint that your City is suspending or has suspended the effective date of the rates.*
- Adopt a resolution joining the Houston Coalition of Cities as soon as possible

**Timeline:**

- April 5, 2019: CenterPoint Energy Houston Electric filed request to increase rates with cities in its service area; and filed parallel case at the PUC for customers in unincorporated 'environs' areas.
- May 10, 2019: Deadline for cities to take action suspending CenterPoint's rates for 90 days (35 days after filing).
- August 8, 2019: Deadline for cities to take final action, suspension period ends.



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 4/30/2019

ALL

Item Creation Date: 4/12/2019

ARA-CenterPoint Houston Electric Request to Increase Rates - Suspend

Agenda Item#: 16.

### **Background:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC (CenterPoint) within the City of Houston's (City or Houston) jurisdiction; suspending for 90 days the effective date of the new rates and maintaining existing rates in effect. CenterPoint provides transmission and distribution services to approximately 974,000 Houston customers — 848,000 residential, 125,000 commercial and 1,100 industrial customers. The City exercises original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Public Utility Regulatory Act (PURA) for customers inside city limits.

On April 5, 2019, CenterPoint filed a Statement of Intent and Application for Authority to Change Rates (Application) within its service territory, including Houston. CenterPoint is requesting a \$193.4 million annual base rate increase of which \$186.6 million will be collected from retail customers, and \$6.8 million from wholesale transmission customers. CenterPoint, is also proposing, through a separate TCJA (TAX Cut and Jobs Act) Rider, to return approximately \$97 million to customers over a three-year period. The TCJA Rider addresses the excess deferred income taxes and reduces the Company's request by approximately \$32.4 million to \$154.2 million annually for a three-year period. After the three-year period, the TCJA Rider expires, and retail customers will pay the full \$186.6 million increase. A complete copy of CenterPoint's filed Application is available for review in the City Secretary's Office.

If CenterPoint's proposed rates are adopted, the average residential customer using 1,000 kWh per month would experience an approximate 1.91% increase — \$2.50 per month for the first three years, assuming an existing retail rate of \$0.125 per kWh. Similar data is not immediately available for the years after the TCJA Rider expires but will be requested from CenterPoint.

According to the Texas Utilities Code, CenterPoint's new rates will take effect May 10, 2019, 35 days after filing, unless City Council adopts an ordinance suspending the proposed effective date for 90 days to August 8, 2019. Rate consultants have been engaged to assist with the review and to prepare a final recommendation.

ARA recommends that City Council adopt an ordinance suspending for 90 days the effective date of the new rates and maintaining current rates in effect.

### **Departmental Approval Authority:**

DocuSigned by:

*Tina Paez*

800AE9FC00A84CC...  
**Tina Paez, Director**  
**Administration & Regulatory**  
**Affairs Department**

**Other Authorization**

### **Contact Information:**

Lara Cottingham      **Phone:** (832) 393-8503  
Alisa Talley          **Phone:** (832) 393-8531

**City of La Porte, Texas Ordinance No. 2019-\_\_\_\_\_**

**AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC WITHIN THE CITY OF LA PORTE, TEXAS; SUSPENDING FOR NINETY DAYS THE EFFECTIVE DATE OF NEW RATES; MAINTAINING CURRENT RATES IN EFFECT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, on April 5, 2019, CenterPoint Energy Houston Electric, LLC (“CenterPoint”) submitted a Statement of Intent and Application for Authority to Change Rates (“Application”) within the City of La Porte, Texas (“City”), requesting a rate increase, riders, and tariff changes (collectively “New Rates”); and

**WHEREAS**, the City, as a local regulatory authority, exercises original jurisdiction over the rates, operations and services of CenterPoint for customers located within the City under Section 33.001 of the Public Utility Regulatory Act (“PURA”) in the Texas Utilities Code; and

**WHEREAS**, the City is a member of the Coalition of Cities (“Coalition”) in this CenterPoint electric base rate proceeding, as approved by resolution #2010-17 by City Council on July 26, 2010; and

**WHEREAS**, the New Rates would affect rates, operations or services for CenterPoint retail customers within the City; and

**WHEREAS**, PURA Sections 36.102 and 36.108 provide that the New Rates take effect on the 35<sup>th</sup> day after the local filing, unless the local regulatory authority suspends the effective date of the New Rates within 35 days of filing; and

**WHEREAS**, PURA Section 36.108 further provides that a local regulatory authority may suspend the operation of the Application for ninety days beyond the date the New Rates would otherwise be effective (the “Suspension Period”); and

**WHEREAS**, PURA Section 36.109 provides that unless the local regulatory authority establishes interim rates, the rates in effect at the time the Application is filed remain in effect during the Suspension Period; and

**WHEREAS**, during the Suspension Period, the City through the Coalition’s consultants and outside counsel will review the Application, perform a coordinated analysis of the New Rates, obtain additional information from CenterPoint, receive public comments, and prepare a rate ordinance recommendation to City Council; and

**WHEREAS**, the expert utility rate consultants retained to review the Application on behalf of the Coalition have not had sufficient time to determine whether CenterPoint has justified its request for New Rates; and

**WHEREAS**, the Coalition's consultants and outside counsel recommend that the City suspend CenterPoint's New Rates for ninety days beyond May 10, 2019, the date the New Rates would otherwise be effective, to allow for coordinated rate analysis, consideration of the New Rates, and public comment; and

**WHEREAS**, the City has standing in each case before the Texas Public Utility Commission ("PUC") that relates to an electric utility providing service within the City pursuant to PURA Section 33.025;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:**

**Section 1.** That the facts contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** To allow for coordinated rate analysis, consideration of other issues, and public comment, the effective date of the New Rates filed with the City by CenterPoint on April 5, 2019, is hereby suspended for ninety days beyond May 10, 2019, or the date the Rate Increase would otherwise be effective, to August 8, 2019.

**Section 3.** The rates in effect as of April 5, 2019, the Application filing date, shall remain in effect until the earlier of the expiration of the Suspension Period or until changed by the adoption of a replacement rate ordinance by this Council.

**Section 4.** The City may intervene and participate in all proceedings related to or affecting CenterPoint's rates within the City at the PUC until the final resolution of the New Rates.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City of La Porte, Texas for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this

ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019

**APPROVED** this \_\_ day of \_\_\_\_\_, 2019.

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**Louis Rigby**  
**Mayor of the City of La Porte, Texas**

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**City Secretary, Lee Woodward**